

REMARKS

This responds to the Office Action mailed on January 26, 2007.

Claims 1, 8, and 15 are amended; as a result, claims 1-21 are now pending in this application. The Amendments are being made to obtain allowance and in some cases as defined below at the suggestion and invitation of the Examiner. Moreover, the amendments do not necessitate a new search. Accordingly, Applicants respectfully request that the amendments be entered. Example support for a number of the amendments may be found, by way of example only, in paragraph 39 of the original filed specification.

§112 Rejection of the Claims

Claims 1-7 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Examiner objected to the phrase “which use the key and table selections” in claim one on the basis that the phrase was ambiguous and the Examiner could not determine if the phrase limited the “modifications” or “querying the mapped.” The Applicants have clarified the phraseology in claim 1, such that it is clear that the objectionable phrase limits the “modifications.” Consequently, this rejection is no longer appropriate and has been amended in a manner requested by the Examiner.

§103 Rejection of the Claims

Claims 1-2, 4-10, 12-13 and 15-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reed (U.S. 2004/0103017) in view of Melchione et al. (U.S. 5,966,695), and further in view of Scheurich et al. (U.S. 7,080,066). It is of course fundamental that in order to sustain an obviousness rejection that each and every step or element in the rejected claims must be taught or suggested in the proposed combination of references.

The Examiner has cited Reed for the teaching of unmapped or not mapped data sources to a segmentation tool. Applicants have amended the independent claims to more clearly define what is meant by “unmapped” or “not mapped” data sources. Specifically, the segmentation tool does not know about metadata that defines these sources and does not recognize the query

interface that accesses or queries these sources and uses the metadata. Such a teaching is not shown or suggested in any manner by the Prospect Analytic Record (PAR) of Reed. The PAR of Reed is simply part of a known data source, namely the customer or transaction database for purchases and includes known metadata such that known search queries can be run against it.

Thus, the proposed combination of references fails to teach each and every limitation cited in the amended claims. Accordingly, Applicants respectfully request that the rejections of record be withdrawn and the claims be allowed.

Claims 3 and 11 were rejected under 35 USC § 103(a) as being unpatentable over Reed in view of Melchione further in view of Scheurich as applied to claims 1-2, 4-10, 12-13 and 15-21 above, and further in view of Copperman et al. (U.S. 2003/0220917). Claim 3 is dependent from amended independent claim 3 and claim 11 is dependent from amended independent claim 8; thus, for the amendments and remarks presented above with respect to claims 1 and 8, the rejection of claims 3 and 11 should be withdrawn. Applicants respectfully request an indication of the same.

Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Reed in view of Melchione further in view of Scheurich as applied to claims 1-2, 4-10, 12-13 and 15-21 above, and further in view of Colby et al. (U.S. 6,480,836). Claim 14 is dependent from independent claim 8; therefore, for the amendments and remarks presented above with respect to claim 8, the rejection of claim 14 should be withdrawn. Applicants respectfully request an indication of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 14-0225.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

SUSAN JAMIE BOROFSKY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date 03/26/07

By 

Joseph P. Mehrle
Reg. No. 45,535

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

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Title: CUSTOM QUERIES FOR SEGMENTATION

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26TH day of March 2007.

KIMBERLY BROWN



Name

Signature